

MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

CHAPTER XXIA

JUDGES OF THE DISTRICT COURT

168.467 Judge of district court; eligibility; violation of MCL 38.412a.

Sec. 467. (1) A person shall not be eligible for the office of judge of the district court unless the person is a registered and qualified elector of the judicial district and election division in which election is sought by the filing deadline or the date the person files the affidavit of candidacy, is licensed to practice law in this state, and, at the time of election or appointment, is less than 70 years of age.

(2) A person who has been convicted of a violation of section 12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible for election or appointment to the office of judge of the district court for a period of 20 years after conviction.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;—Am. 1982, Act 505, Eff. Mar. 30, 1983;—Am. 1999, Act 218, Eff. Mar. 10, 2000.

Popular name: Election Code

168.467a Judge of district court; general nonpartisan primary election; time; exception; certification by secretary of state of candidates to be nominees; omission of office from judicial primary ballot.

Sec. 467a. Except as provided in section 467n, a general nonpartisan primary election shall be held in every district and election division of this state on the Tuesday succeeding the first Monday in August prior to the general election at which judges of the district court are elected, at which time the qualified and registered electors may vote for nonpartisan candidates for judge of the district court. If upon the expiration of the time for filing petitions of candidacy for the primary election of the judge of the district court in any district or election division, it appears that there are not to exceed twice the number of candidates as there are persons to be elected, the secretary of state shall certify to the county board of election commissioners the name of those candidates for district court judge whose petitions or affidavits of candidacy have been properly filed and those candidates shall be the nominees for the judge of the district court and shall be so certified. As to that office, there shall not be a primary election and this office shall be omitted from the judicial primary ballot.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;—Am. 1981, Act 4, Eff. Apr. 30, 1981.

Popular name: Election Code

168.467b Judge of district court; candidate; nominating petitions; signatures, addresses, and dates of signing; validity of filed petitions; filing for election to more than 1 district judgeship; withdrawal; office designation.

Sec. 467b. (1) To obtain the printing of the name of a person as a candidate for nomination for the office of judge of the district court upon the official nonpartisan primary ballots, there shall be filed with the secretary of state nominating petitions containing the signatures, addresses, and dates of signing of a number of qualified and registered electors residing in the judicial district or division as determined under section 544f. An incumbent district court judge may also become a candidate by the filing of an affidavit in lieu of petitions according to section 467c. The secretary of state shall receive nominating petitions up to 4 p.m. on the fourteenth Tuesday preceding the primary. The provisions of sections 544a and 544b apply.

(2) Nominating petitions filed under this section are valid only if they clearly indicate for which of the following offices the candidate is filing, consistent with section 467c(4):

- (a) An unspecified existing judgeship for which the incumbent judge is seeking election.
- (b) An unspecified existing judgeship for which the incumbent judge is not seeking election.
- (c) A new judgeship.

(3) A person who files nominating petitions for election to more than 1 district judgeship shall have not more than 3 days following the close of filing to withdraw from all but 1 filing.

(4) In a primary and general election for 2 or more judgeships where more than 1 of the categories in subsection (2) could be selected, a candidate shall apply to the bureau of elections for a written statement of office designation to correspond to the judgeship sought by the candidate. The office designation provided by the secretary of state shall be included in the heading of all nominating petitions. Nominating petitions containing an improper office designation are invalid.

(5) The secretary of state shall issue an office designation of incumbent position for any judgeship for which the incumbent judge is eligible to seek reelection. If an incumbent judge does not file an affidavit of

candidacy by the deadline, the secretary of state shall notify all candidates for that office that a nonincumbent position exists. All nominating petitions circulated for the nonincumbent position subsequent to the deadline shall bear an office designation of nonincumbent position. All signatures collected prior to the affidavit of candidacy filing deadline may be filed with the nonincumbent nominating petitions.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;—Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;—Am. 1981, Act 4, Eff. Apr. 30, 1981;—Am. 1982, Act 149, Imd. Eff. May 6, 1982;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;—Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990;—Am. 1996, Act 583, Eff. Mar. 31, 1997;—Am. 1999, Act 218, Eff. Mar. 10, 2000.

Popular name: Election Code

168.467c Incumbent judge as candidate in primary election; affidavit of candidacy; contents; printing name on ballot; primary and general election for 2 or more judgeships; listing categories of candidates on ballot; death or disqualification of incumbent judge; application of subsection (4).

Sec. 467c. (1) An incumbent district court judge may become a candidate in the primary election for the office of which he or she is an incumbent by filing with the secretary of state an affidavit of candidacy in lieu of nominating petitions not less than 134 days prior to the date of the primary election. However, if an incumbent district court judge was appointed to fill a vacancy and the judge entered upon the duties of office less than 137 days before the date of the primary election but before the fourteenth Tuesday preceding the primary election, the incumbent judge may file the affidavit of candidacy not more than 3 days after entering upon the duties of office. The affidavit of candidacy shall contain statements that the affiant is an incumbent district court judge for the district or election division in which election is sought, that he or she is domiciled within the district or election division, and that he or she will not attain the age of 70 by the date of election, and a declaration that the affiant is a candidate for election to the office of district court judge.

(2) There shall be printed upon the ballot under the name of each incumbent district judge who is a candidate for nomination or election to the same office the designation of that office.

(3) In the primary and general election for 2 or more judgeships of the district court, each of the following categories of candidates shall be listed separately on the ballot, consistent with subsection (4):

(a) The names of candidates for the judgeship or judgeships for which the incumbent is seeking election.

(b) The names of candidates for an existing judgeship or judgeships for which the incumbent is not seeking election.

(c) The names of candidates for a newly created judgeship or judgeships.

(4) If the death or disqualification of an incumbent judge triggers the application of section 467e(2), then for the purposes of subsection (3) and section 467b(2), that judgeship shall be regarded as a judgeship for which the incumbent judge is not seeking election. The application of this subsection includes, but is not limited to, circumstances in which the governor appoints an individual to fill the vacancy and that individual seeks to qualify as a nominee under section 467e(2).

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;—Am. 1970, Act 10, Imd. Eff. Mar. 31, 1970;—Am. 1982, Act 149, Imd. Eff. May 6, 1982;—Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990;—Am. 1999, Act 218, Eff. Mar. 10, 2000.

Popular name: Election Code

168.467d Candidates for nomination; withdrawal; notice.

Sec. 467d. After the filing of a nominating petition or affidavit of candidacy by or in behalf of a proposed candidate for the office of judge of the district court, the proposed candidate is not permitted to withdraw unless he or she serves a written notice of withdrawal on the secretary of state or his or her duly authorized agent. The notice must be served not later than 3 days after the last day for filing nominating petitions if a nominating petition was filed for the proposed candidate, and not later than 3 days after the last day for filing affidavits of candidacy if an affidavit of candidacy was filed for the proposed candidate. If the third day falls on a Saturday, Sunday, or legal holiday, the notice of withdrawal may be served on the secretary of state or his or her duly authorized agent at any time on or before 4 p.m., eastern standard time, on the next secular day.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;—Am. 1999, Act 218, Eff. Mar. 10, 2000.

Popular name: Election Code

168.467e Candidates for judge of district court; declaration of nominees; certification of nomination; death or disqualification of candidate.

Sec. 467e. (1) The candidates for the office of judge of the district court receiving the largest number of votes at any primary election, to a number equal to twice the number of persons to be elected as set forth in the report of the board of state canvassers, based on the returns from the various county boards of canvassers

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and election precincts or as determined by the board as the result of a recount, shall be declared the nominees for the office at the next general November election. The board of state canvassers shall certify the nomination to the county election commissions.

(2) If, after the deadline for filing nominating petitions under section 467b, there are fewer candidates for nomination or nominees for the office of judge of the district court than there are persons to be elected because of the death or disqualification of a candidate more than 65 days before the general November election, then a person, whether or not an incumbent, may qualify as a nominee for that office at the general November election by filing nominating petitions as required by section 467b. However, the filing shall be made before 4 p.m. on the twenty-first day following the death or disqualification of the candidate or 4 p.m. on the sixtieth day preceding the general November election, whichever is earlier, and the minimum number of signatures required is 1,000 or 1/2 the minimum number required under section 467b, whichever is less.

(3) The secretary of state shall certify the nomination of each person who qualifies as a nominee under subsection (2) to the board of election commissioners specified by section 687 for the general November election.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;—Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

Popular name: Election Code

168.467f Judge of district court; election; death or disqualification of nominee.

Sec. 467f. (1) Except as otherwise provided in this section, judges of the district court shall be elected in each judicial district and election division of a judicial district at the general election to fill vacancies in office as of the following January 1.

(2) If there are fewer nominees for the office of judge of the district court than there are persons to be elected because of the death or disqualification of a nominee less than 66 days before the general November election, then a person shall not be elected at that general November election to any office of judge of the district court for which there is no nominee.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;—Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

Popular name: Election Code

168.467g District court judges; certificate of determination by board of state canvassers.

Sec. 467g. The board of state canvassers shall determine which candidate or candidates for the office of judge of the district court received the greatest number of votes and shall declare such candidate or candidates duly elected. The board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver it to the secretary of state.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968.

Popular name: Election Code

168.467h District court judges; certificate of election.

Sec. 467h. The secretary of state shall file in his office and preserve the original statement and determination of the board of state canvassers of the result of the election and shall forthwith execute and deliver to the persons thereby declared to be elected to the office of judge of the district court a certificate of election certified by him and under the great seal of the state.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968.

Popular name: Election Code

168.467i Judge of district court; term of office.

Sec. 467i. Except as otherwise provided by law, the term of office for judge of the district court shall be 6 years, commencing at 12 noon on January 1 next following the judge's election and shall continue until a successor is elected and qualified.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;—Am. 1981, Act 4, Eff. Apr. 30, 1981;—Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

Popular name: Election Code

168.467j District court judges; oath of office.

Sec. 467j. Every person elected to the office of judge of the district court, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution, and file the same with the secretary of state and a copy with each county clerk in his district.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968.

Popular name: Election Code

168.467k District court judges; resignation.

Sec. 467k. Any person duly elected to the office of judge of the district court who desires to resign shall file a written notice containing the effective date of such resignation with the court administrator and a copy with the governor and secretary of state.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968.

Popular name: Election Code

168.467l District court judges; impeachment; removal from office, service of charges, hearing; notice of vacancy.

Sec. 467l. Any person holding the office of district judge may be removed from office upon conviction in impeachment proceedings for the reasons and in the manner set forth in section 7 of article 11 of the state constitution, or the governor shall remove any district judge upon a concurrent resolution of 2/3 of the members elected to and serving in each house of the legislature, and the cause for such removal shall be stated at length in such resolution, as provided in the state constitution. Such person shall be served with a written notice of the charges against him and be afforded an opportunity for a hearing thereon. When a vacancy occurs in any of the offices, a notice of such vacancy and the reason why the same exists shall, within 10 days after such vacancy occurs, be given in writing by the secretary of state with a copy to the governor and the supreme court.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968.

Popular name: Election Code

168.467m Judge of district court; appointment to fill vacancy; nominations to fill vacancy; election; term.

Sec. 467m. (1) If a vacancy occurs in the office of district judge, the governor shall appoint a successor to fill the vacancy. Except as otherwise provided in section 467c(4), the person appointed by the governor shall be considered an incumbent for purposes of this act and shall hold office until 12 noon of January 1 following the next general November election at which a successor is elected and qualified.

(2) Except as otherwise provided in section 467e(2), candidates shall be nominated at the next fall primary held at least 105 days after the vacancy occurs, to fill the vacancy in the manner provided for in this chapter for the nomination of candidates for district court judge. The vacancy shall be filled at the general November election next following the primary in the manner provided for in this chapter for the election of district court judges. The person elected shall hold office for the remainder of the unexpired term.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;—Am. 1970, Act 10, Imd. Eff. Mar. 31, 1970;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;—Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990;—Am. 1999, Act 218, Eff. Mar. 10, 2000.

Popular name: Election Code

168.467n Judge of district court; filling new offices created for thirty-sixth district; special odd year general election; nomination of candidates; nominating petitions; certification of secretary of state; elections commission of city of Detroit; preparation and distribution of ballots.

Sec. 467n. (1) If new offices of judge of the district court are created by law for the thirty-sixth district to be filled by election in 1981, the offices shall be filled in a special odd year general election held in the city of Detroit on November 3, 1981.

(2) Candidates for the offices described in subsection (1) shall be nominated at a special odd year primary election held in the city of Detroit on September 15, 1981. The secretary of state shall receive the nominating petitions of a person seeking to have his or her name printed on the special odd year primary election ballot up to 4 p.m. on July 14, 1981. The secretary of state shall certify to the Wayne county board of election commissioners and the elections commission of the city of Detroit the names of the persons whose petitions have been properly filed.

(3) The elections commission of the city of Detroit shall be responsible for the preparation and distribution of ballots for the elections provided for in this section.

History: Add. 1981, Act 4, Eff. Apr. 30, 1981.

Popular name: Election Code

168.467p Judge of district court; filling new office created for fifty-fourth-b district in odd year general election; nomination of candidates; nominating petitions; certification of secretary of state; preparation and distribution of ballots.

Sec. 467p. (1) If a new office of judge of the district court is created by law for the fifty-fourth-b district to be effective January 1, 1990, the office shall be filled in an odd year general election held in the city of East Lansing on November 7, 1989.

(2) Candidates for the office described in subsection (1) shall be nominated at an odd year primary election held in the city of East Lansing on August 8, 1989. The secretary of state shall receive the nominating petitions of a person seeking to have his or her name printed on the odd year primary election ballot up to 4 p.m. on June 20, 1989. The secretary of state shall certify to the Ingham county board of election commissioners and the city of East Lansing the names of the persons whose petitions have been properly filed.

(3) The city of East Lansing shall be responsible for the preparation and distribution of ballots for the elections provided for in this section.

History: Add. 1988, Act 133, Imd. Eff. May 27, 1988.

Compiler's note: Section 2 of Act 133 of 1988 provides: "For any additional judgeships created by a 1988 amendatory act to be filled by election in 1988, for that election only, in lieu of the nominating petitions required by the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.1 to 168.992 of the Michigan Compiled Laws, a person may have his or her name printed on the primary election ballot by filing an affidavit stating the person is eligible for the judicial office he or she is seeking, and paying a filing fee of \$500.00. The filing fee shall not be refundable except for the 2 persons receiving the greatest number of votes in the primary election. The secretary of state shall receive nominating petitions or filing fees and the required affidavits under sections 544b and 558 of Act No. 116 of the Public Acts of 1954, being sections 168.544b and 168.558 of the Michigan Compiled Laws, from a candidate for a judgeship created in 1988 up to 4 p.m. on Friday, June 3, 1988. A candidate for a judgeship shall not be permitted to withdraw unless a written notice of withdrawal is served on the secretary of state or his duly authorized agent not later than 4 p.m. on Monday, June 6, 1988."

Popular name: Election Code